

Sixth Appellate District

San Jose, California

MONDAY, AUGUST 16, 2004

H026957 PEOPLE v. LOPEZ

The judgment is affirmed. (not published)
(McAdams, J.; We concur: Rushing, P.J., Walsh, J.*)
Filed August 16, 2004
(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

H025445 PEOPLE v. RISTAU

By the Court:

The submission order in the above-entitled matter dated June
10, 2004, is hereby vacated for the purposes of supplemental
briefing pursuant to *Blakely v. Washington* (No. 02-1632. June 24,
2004) 542 U.S. ____; 124 S. Ct. 2531; 159 L.Ed.2d 403; 2004 WL
1402697; 2004 DJDAR 7581.

Appellant's motion for leave to file a supplemental opening
brief is granted. The clerk of the court is directed to file
said brief forthwith.

The clerk of this court is further directed to file the
responsive brief submitted by the Attorney General

Dated: August 16, 2004 Rushing, P.J.

H026413 CATLIN v. STEEL

The various claims of error with regard to alleged juror
misconduct, admission of improper testimony, and admission of
improper opinion evidence from plaintiff's treating physician,
are without merit. Therefore, we affirm the judgment. (not
published)

(Walsh, J.*; We concur: Rushing, P.J., Premo, J.)

Filed August 16, 2004

(*Judge of the Santa Clara County Superior Court assigned by the
Chief Justice pursuant to article VI, section 6 of the California
Constitution.)

TUESDAY, AUGUST 17, 2004

H026444 BEUSE v. UNEMPLOYMENT INSURANCE APPEALS BOARD; HAAS

The judgment is affirmed. (not published)
(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams,
J.)

Filed August 17, 2004

Sixth Appellate District

San Jose, California

Tuesday, August 17, 2004 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and S. Nasson, Deputy Clerk.

H026067 PEOPLE v. HEIDINGER

Cause called and argued by Alan Siraco appearing for Appellant and by Sharon Birnenbaum, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026050 PEOPLE v. ABACHERLI

Cause called and argued by Peter Goldscheider appearing for Appellant and by Martin Kaye, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025444 PEOPLE v. OLIVER

Cause called and argued by Victor Blumenkrantz appearing for Appellant and by Nathan Quigley, Certified Law Student, appearing for Respondent. Cause ordered submitted.

H026622 MORGAN, as Administrator, etc. v. WELLS

Cause called and argued by Theodore Luebkehan appearing for Appellant and by Naz Roudiani appearing for Respondent. Cause ordered submitted.

H026208 FORTE v. LICHTENEGGER

Cause called and argued by Eugene Forte, Appellant appearing in propria persona, and by Gerard Rose appearing for Respondent. Cause ordered submitted. Court is in recess until 1:30 p.m.

The Court reconvened at 1:30 p.m. in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Premo, Acting P.J.; Elia, J.; Walsh, J.*; and Jane Valdez Flor, Deputy Clerk.

(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025157 PEOPLE v. GIRON

Cause called and argued by Deanna Lamb appearing for Appellant and by Amy Haddix, Deputy Attorney General, appearing for Respondent. Court defers submission and orders both counsel to submit a letter brief not to exceed five pages within seven days.

Sixth Appellate District

San Jose, California

Tuesday, August 17, 2004 (continued)

Walsh, J*. leaves the bench and Rushing, P.J. takes the bench.
(*Judge of the Santa Clara Superior Court assigned by the Chief Justice pursuant to article VI, section 6 of the California Constitution.)

H025224 PEOPLE v. CUEN

Cause called and argued by Gerard Engelskirchen appearing for Appellant and by Dorian Jung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025852 ATLANTIC MUTUAL INSURANCE COMPANY v. RUIZ; AMERICAN STATES INSURANCE COMPANY

Cause called and argued by Gary R. Selvin appearing for Appellant Atlantic Mutual Insurance Company and by Steven R. Cavalli appearing for Appellant Ruiz and by Lawrence R. Bragg appearing for Respondent. Cause ordered submitted.

H025585 LAICO, et al. v. CHEVRON U.S.A., INC.

Cause called and argued by Andrea M. Gauthier appearing for Appellant and by Gregory Alan Coolidge appearing for Respondents. Cause ordered submitted. Court is adjourned.

WEDNESDAY, AUGUST 18, 2004

H023906 PEOPLE v. HERZOG

The judgment is reversed and remanded for potential retrial on all counts. The trial court is directed to enter an order granting defendant's motion to suppress as to the statements defendant made during the first March 21 interrogation and the March 22 interrogation and denying his motion to suppress as to his statements during the March 17 interrogation. (not published) (Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 18, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and R. W. Norvelle, Deputy Clerk.

H025023 PEOPLE v. ENGLISH, SR.

Cause called and argued by Elisa Brandes appearing for Appellant and by Frances M. Dogan, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

Sixth Appellate District

San Jose, California

Wednesday, August 18, 2004 (continued)

H025988 PEOPLE v. NGUYEN

Cause called and argued by Alex Green appearing for Appellant and by Violet Lee, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H025679 PEOPLE v. JONES, et al.

Cause called and argued by Thea Greenhalgh appearing for Appellant Jones and by William M. Kuimelis, Deputy Attorney General, appearing for Respondent. No appearance is made on behalf of Appellant Ray. Cause ordered submitted.

H026619 MAUNDU v. E-BAY, INC.

Cause called and argued by Kenneth Kevorkian appearing for Appellant and by Christopher T. Scanlan appearing for Respondent. Cause ordered submitted.

H026369 BELLIS v. COUNTY OF SANTA CRUZ

Cause called and argued by David Keyser appearing for Appellant and by Julia Ann Hill, Deputy County Counsel, appearing for Respondent. Cause ordered submitted. Court adjourns

THURSDAY, AUGUST 19, 2004

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and Beth Miller, Deputy Clerk.

H026168 PEOPLE v. HONEYWELL

Cause called and argued by Christine Jean Levin appearing for Appellant and by Nancy H. Tung, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H026428 YAQUB v. SALINAS VALLEY MEMORIAL HEALTHCARE SYSTEM, et al.

Cause called and argued by Charles Marriott Kagay appearing for Appellant and by Jacquelyn J. Garman appearing for Respondents. Cause ordered submitted.

H024460 SUMMERS v. RENZ, JR., et al.

Cause called and argued by James McManis appearing for Appellant and by Stephen Fry appearing for Respondents. Cause ordered submitted. Court is adjourned.

Sixth Appellate District

San Jose, California

Thursday, August 19, 2004 (continued)

H026985 PEOPLE v. JOHNNY O.

The contested jurisdictional hearing minute order should be modified to show that the court sustained the petition as to a violation of Penal Code section 211, second degree robbery, a lesser included offense of count 1. With the probation conditions modified as set forth below, the judgment is affirmed.

The changes are italicized for clarity. Condition No. 9 should read: "You shall not possess, wear, use or display any insignia, emblem, button, badge, cap, hat, scarf, bandanna, or any article of clothing, hand sign, or paraphernalia *known to you to be* associated with membership or affiliation with a gang, or any item identified by your probation officer as posing a threat to your successful completion of probation."

Condition No. 11 should read, "*You shall not use or possess alcohol, narcotics, drugs, or other controlled substances without the prescription of a physician; you are not to traffic in, or associate with persons known to you to use or traffic in narcotics or other controlled substances.*" Condition No. 13 should read, "*You shall not knowingly possess any weapons or any type of ammunition.*" (not published)

(Premo, J.; We concur: Rushing, P.J., Mihara, J.)

Filed August 19, 2004

FRIDAY, AUGUST 20, 2004

H026425 IN RE AMANDA E.; DFCS v. CANDIDA E.

The order is affirmed. (not published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed August 20, 2004